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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.656 OF 2003

M/s.Sunita Engineering Corporation Appellant
versus
Employees State Insurance Corpn.
and another Respondents

Mr.V.P.Vaidya for appellant.
Mr.P.M.Palshikar for respondents.

CORAM : A.S.OKA, J.

DATE : 07th February 2007

PC :

1. Heard learned advocate for the appellant. He invited my attention to paragraph no.19 of the impugned Judgment. He submitted that the learned Trial Judge has committed an error by holding that four employees who were paid labour charges on vouchers were the employees of the appellant company. He submitted that the labour charges were paid to the persons for doing job work outside the factory of the appellant. He submitted that if these four employees are excluded, the provisions of the Employees' State Insurance Act, 1948 will not apply to the

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establishment of the appellant.

2. I have perused the notes of evidence of both the witnesses examined by the appellant. Both the witnesses have not deposed on oath that labour charges were paid to the said four persons on account of the work or job work which they carried out outside the factory premises. The said case is not at all made out by both the witnesses. It was submitted that vouchers along with bills were produced. None of the witnesses have proved the bills in evidence.

3. In the circumstances, no fault can be found with the finding of fact recorded by the Trial Court in paragraph no.19 of the impugned judgement. No substantial question of law arises. The First Appeal is dismissed accordingly.

(A.S.OKA, J.)